United Nations A/C.3/70/L.49

General Assembly

Distr.: Limited
2 November 2015

Original: English

Seventieth session
Third Committee
Agenda item 72 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Morocco, Netherlands, Paraguay, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Tunisia: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its previous resolutions on national institutions for the promotion and protection of human rights, the most recent of which was resolution 68/171 of 18 December 2013, and those of the Commission on Human Rights and the Human Rights Council concerning national institutions and their role in the promotion and protection of human rights, the most recent of which were Council resolutions 20/14 of 5 July 2012,[1] 23/17 of 13 June 2013[2] and 27/18 of 7 October 2014,[3]

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),[4]

[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. IV, sect. A.
[2] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.
[3] Ibid., *Sixty-ninth Session, Supplement No. 53*, addendum and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. II.
[4] Resolution 48/134, annex.

15-19070 (E) 041115

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Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law and developing and enhancing public awareness of those rights and freedoms,

Recalling its resolution 69/168 of 18 December 2014 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recognizing the important role of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions for the promotion and protection of human rights at their meeting held in Vienna in June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Taking note with appreciation of the reports of the Secretary-General on national institutions for the promotion and protection of human rights[6] and on the process currently utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit national institutions in compliance with the Paris Principles,[7]

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions, and noting with appreciation the continuing work of the Network of African National Human Rights Institutions, the Network of

[5] A/CONF.157/24 (Part I), chap. III.
[6] A/HRC/27/39.
[7] A/HRC/16/77.

National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Group of National Human Rights Institutions,

1. *Welcomes* the report of the Secretary-General[8] and the conclusions contained therein;

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;[4]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and in consistently informing the State about the impact of such legislation on the activities of human rights defenders, including by making relevant and concrete recommendations;

6. *Recognizes* the role that national human rights institutions can play in preventing and addressing cases of reprisals as part of supporting the cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms;

7. *Also recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[5] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

8. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action;

9. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights, and welcomes in particular the growing number of States that have accepted recommendations to establish national institutions compliant with the Paris Principles made through the universal periodic review and, where relevant, by treaty bodies and special procedures;

[8] A/70/347.

10. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

11. *Stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them;

12. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2 of 18 June 2007[9] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[10]

13. *Welcomes* the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council, as stipulated in the Council review outcome document annexed to Council resolution 16/21 of 25 March 2011[11] adopted by the General Assembly in its resolution 65/281 of 17 June 2011, and welcomes the increasing use made by national human rights institutions of these participatory opportunities;

14. *Also welcomes* the contribution of national human rights institutions compliant with the Paris Principles to the work of the United Nations, including of the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing and the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system;

15. *Encourages* national human rights institutions compliant with the Paris Principles to continue to participate in and to contribute to deliberations in all relevant United Nations mechanisms and processes in accordance with their respective mandates, including the discussions on the implementation of the 2030 Agenda for Sustainable Development;[12]

16. *Encourages* all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Commission on the Status

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[9] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[10] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[11] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[12] Resolution 70/1.

of Women, the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing and the 2030 Agenda for Sustainable Development, including the high-level political forum, to further develop modalities that allow for the national human rights institutions compliant with the Paris Principles to continue to participate in and contribute to the deliberations of these United Nations mechanisms and processes, building on practices and arrangements agreed upon in Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1, 5/2 and 16/21 and Commission on Human Rights resolution 2005/74;

17. *Invites* the human rights treaty bodies to provide for ways to ensure the highest degree of participation by national human rights institutions at all stages of their work;

18. *Requests* the Secretary-General to provide support to national human rights institutions compliant with the Paris Principles as they engage with relevant United Nations mechanisms and processes, with a view to enabling their most effective contributions, in order to further the implementation of international human rights obligations and commitments;

19. *Encourages* all United Nations human rights mechanisms and agencies, funds and programmes to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and the rule of law, and in this regard welcomes the efforts made by the High Commissioner to develop partnerships in support of national institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and in this respect encourages all United Nations human rights mechanisms and agencies, funds and programmes to adopt suitable practical modalities of interaction with national human rights institutions, including facilitating their access to information and documentation;

20. *Stresses* the importance of the financial and administrative independence and stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

21. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

22. *Underlines* the importance of the autonomy and independence of ombudsman institutions, encourages increased cooperation between national human rights institutions and regional and international associations of ombudsmen, and also encourages ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms;

23. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national human rights institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national institutions, and invites Governments to contribute additional voluntary funds to that end;

24. *Welcomes* the important role played by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in close cooperation with the Office of the High Commissioner, in assisting Governments, when requested, in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles, in assessing the conformity of national human rights institutions with the Paris Principles and in providing technical assistance to strengthen national human rights institutions, upon request, with a view to enhancing their compliance with the Paris Principles, and calls upon Member States and other stakeholders, including United Nations agencies, to follow up on the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee, with a view to enabling national human rights institutions to fully comply with the Paris Principles in both law and practice;

25. *Encourages* national institutions, including ombudsman and mediator institutions, to seek accreditation status through the International Coordinating Committee;

26. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national human rights institutions and to support the work of the International Coordinating Committee and its regional coordinating networks in this regard, including through support for the relevant technical assistance programmes of the Office of the High Commissioner;

27. *Requests* the Secretary-General to continue to provide the assistance necessary for holding international and regional meetings of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the High Commissioner;

28. *Also requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.